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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN T. ORE, FRANCIS M. DUNLOP, and ROBIN
E. DUNLOP,

Plaintiffs,

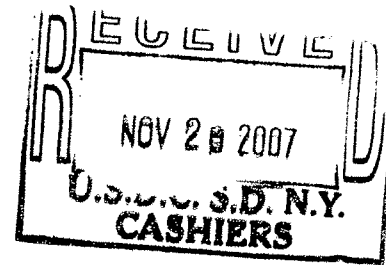
-against-

THELONIOUS RECORDS, INC., THELONIOUS S.
MONK, JR. a/k/a/ T.S. MONK, and PETER G.
GRAIN,

Defendants.

JUDGE BUCHWALD

07 CV 10681



07 Civ. _____

COMPLAINT

Plaintiffs John T. Ore ("John Ore" or "Ore"), Francis M. Dunlop ("Frankie Dunlop" or "Dunlop"), by his attorney-in-fact Laura L. Dunlop, and Robin E. Dunlop ("Robin Dunlop") (collectively, "plaintiffs"), for their complaint against defendants Thelonious Records, Inc., Thelonious S. Monk, Jr. a/k/a T.S. Monk, and Peter G. Grain (collectively, "defendants"), allege on knowledge as to themselves and otherwise on information and belief, as follows:

NATURE OF ACTION

1. This is an action against defendants for (i) unauthorized transmission and distribution of unauthorized sound recordings containing live musical performances of John Ore and Frankie Dunlop, former members of the world famous jazz ensemble, the Thelonious Monk Quartet, in violation of the Anti-Bootlegging Act, 17 U.S.C. § 1101, (ii) declaratory judgment pursuant to 28 U.S.C. § 2201 that defendants' unauthorized transmission and distribution of those unauthorized sound recordings violates plaintiffs' rights under the Anti-Bootlegging Act, (iii) declaratory judgment pursuant to 28 U.S.C. § 2201 that John Ore and Frankie Dunlop are authors and copyright owners of their live musical performances while with the Thelonious Monk Quartet, including unauthorized sound recordings fixed between 1961 to 1963 embodying those live musical performances, pursuant to the common law of New York, and defendants' failure to fully account to plaintiffs for all gains and advantages derived by defendants from the transmission and distribution of those unauthorized sound recordings violates plaintiffs' rights under the common law of New York, and (iv) infringement of Robin Dunlop's registered copyright, in violation of Section 501 of the Copyright Act, 17 U.S.C. § 501. Plaintiffs' claims all arise out of defendants' acts of reproducing, communicating, distributing, transmitting, publicly performing and selling to the public through the websites Monkzone.com and Theloniousrecords.com (collectively, "Defendants' Websites") and other websites, and without plaintiffs' consent, the unauthorized recordings of live musical performances of John Ore and Frankie Dunlop. As a direct consequence of defendants' wrongful conduct, plaintiffs have suffered irreparable harm and sustained substantial injury, loss and damage. This action seeks damages and a permanent injunction to stop defendants before they cause further injury.

2. John Ore and Frankie Dunlop are among the most talented jazz musicians of their time, performing with many legendary jazz greats during the 1950's and 1960's. From 1961 to 1963, both men were part of the famous jazz ensemble, the Thelonious Monk Quartet. As members of the Thelonious Monk Quartet, John Ore and Frankie Dunlop helped catapult the late jazz composer and pianist Thelonious S. Monk ("Monk"), to the height of his success. John Ore and Frankie Dunlop recorded several songs with Monk, and played multiple live performances with him around the world.

3. Unbeknownst to John Ore and Frankie Dunlop and without their consent, Monk recorded many of those live musical performances. Those recordings were purportedly transferred to defendant Thelonious S. Monk Jr. ("T.S. Monk") sometime after Monk's death.

4. Defendants are wrongfully selling through Defendants' Websites and other websites, copies of these unauthorized recordings featuring the live musical performances of John Ore and Frankie Dunlop, including one recording comprised completely of an original musical composition created solely and exclusively by Frankie Dunlop, in violation of plaintiffs' rights. In addition, defendants are copying and streaming John Ore's and Frankie Dunlop's live musical performances to the public through Defendants' Websites. Despite repeated demands that defendants cease their unlawful and infringing activity, defendants show no sign of stopping. Defendants continue to offer some of the unauthorized recordings for sale, despite receiving notice of their unlawful and infringing nature.

THE PARTIES

5. Plaintiff John Ore is an individual who resides in Brooklyn, New York and is a citizen of New York. Ore is an established jazz musician who served from 1961 to 1963 as the bassist in the Thelonious Monk Quartet.

6. Plaintiff Frankie Dunlop is an individual who resides in Englewood, New Jersey and is a citizen of New Jersey. Dunlop is an established jazz musician who served from 1961 to 1963 as the drummer in the Thelonious Monk Quartet. On June 27, 1985, Dunlop executed a Power of Attorney, granting his wife Laura L. Dunlop general power to handle all matters on his behalf, including commencing litigation.

7. Plaintiff Robin Dunlop is an individual who resides in Chestnut Ridge, New York and is a citizen of New York. Robin Dunlop is the daughter of Frankie Dunlop and the assignee of all rights and title to the intellectual property previously owned by her father.

8. Defendant Thelonious Records, Inc. ("Thelonious Records") is a corporation organized and existing under the laws of Michigan, having its principal place of business at 4701 Lakeshore Terrace, Fort Gratiot, Michigan 48059. Thelonious Records was purportedly formed in 2001 as an independent record label primarily intended to distribute recordings of live musical performances of Monk and the Thelonious Monk Quartet that were never officially released to the general public. Thelonious Records operates the website Monkzone.com, owns and operates the website Theloniousrecords.com, is doing business in this District via those websites and has committed the violations complained of herein in this District.

9. Defendant T.S. Monk is an individual who resides at 375 Redmond Road, South Orange, New Jersey 07079, and is a citizen of New Jersey. T.S. Monk is Monk's son and founder and director of Thelonious Records. T.S. Monk is also President and Chief Executive Officer of Thelonious Music Corp., a corporation organized and existing under the laws of New York, having its principal place of business at 130 West 28th Street, New York, New York 10001, and purported to administer all the intellectual property rights to the musical compositions of Monk and the Thelonious Monk Quartet. T.S. Monk is doing business in this District through Thelonious

Records, Thelonious Music Corp. and Defendants' Websites, and has knowledge of, has participated in, exercised control over, has benefited from, and has materially contributed to the violations complained of herein in this District.

10. Defendant Peter G. Grain ("Grain") is an individual who resides at 4701 Lakeshore Terrace, Fort Gratiot, Michigan 48059 and is a citizen of Michigan. Grain is the brother-in-law of T.S. Monk and President and Chief Executive Officer of Thelonious Records. Grain is the registrant of the domain name Monkzone.com, is doing business in this District via Thelonious Records and Defendants' Websites and has knowledge of, has participated in, exercised control over, has benefited from, and has materially contributed to the violations complained of herein in this District.

JURISDICTION AND VENUE

11. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

12. Venue is proper in this District pursuant to 28 U.S.C. §1391 (b) and (c) because a substantial part of the events or omissions giving rise to plaintiffs' claims occurred in this District, including advertising, offering for sale and selling unauthorized recordings of live musical performances of Ore and Dunlop through Defendants' Websites and other websites, to individuals in this District.

13. Defendants are also doing and transacting business in this District by virtue of their advertising, offering for sale and selling unauthorized recordings of live musical performances of Ore and Dunlop through Defendants' Websites and other websites, to individuals in this District. Defendants have committed tortious acts within this District, and are otherwise subject to the jurisdiction of the Court. Defendants have a presence or engage in the solicitation of

business in the State of New York, derive substantial revenue from the sale of goods in the State of New York and have committed acts causing injury to plaintiffs within the State of New York. Defendants' acts confer *in personam* jurisdiction over them.

FACTS COMMON TO ALL COUNTS

John Ore and Frankie Dunlop

14. Born in 1933, Ore grew up surrounded by music, including classical and jazz. Ore began his musical career at the tender age of 10-years old, when he began studying cello at the New School of Music in Philadelphia from 1943 to 1946. After moving to New York City in 1947, Ore fell in love with jazz and switched from cello to bass. In 1952, Ore studied jazz and the bass at the performing arts conservatory, the Juilliard School. During that time, Ore began to establish himself as a gifted bassist.

15. During the 1950's, Ore worked with many of the best jazz musicians in America, including legendary jazz guitarist Lloyd "Tiny" Grimes, arguably one of the pioneers of rock and roll. From 1955 to 1957, Ore collaborated with a slew of other jazz greats, including Charlie Parker, Lester Young, Ben Webster, Red Prysock, and Coleman Hawkins, considered among the best known saxophonists of all time, Elmo Hope, Teddy Wilson, Earl Hines, and Bud Powell, all considered piano giants in the jazz world, Erskine Hawkins, Ray Nance and Oran "Hot Lips" Page, noted jazz trumpeters, Bernard "Buddy" Rich, billed as "the world's greatest drummer," and Arthur Prysock and Jalaquay "Screamin' Jay" Hawkins, famed jazz singers on the live performance circuit. Ore is noted for his rhythmic precision, fullness of tone and excellent choice of bass lines and phrasing.

16. Dunlop grew up in a family full of musical talent. His brother was a pianist, and his father was a guitarist. After a brief stint with the guitar at the age of nine, Dunlop ultimately

chose to play and master the drums. By the age of sixteen, Dunlop was a professional musician with classical percussion training. Dunlop toured with rhythm and blues bandleaders, including tenor saxophonist Big Jay McNeely.

17. Dunlop led his own jazz group in Buffalo after leaving the Army in the early 1950's. In 1954, Dunlop collaborated with a host of jazz legends, including prolific saxophonists Sonny Stitt and Skippy Williams, living-legend, tenor saxophonist Sonny Rollins, and bassist, bandleader, and extraordinary composer Charles Mingus. Dunlop toured with Charles Mingus and, in 1958, played with Sonny Rollins' trio for six months. From 1958 to 1960, Dunlop toured with well-known Canadian jazz great, trumpet player and big-bandleader, Maynard Ferguson. In 1960, Dunlop worked with the world famous singer Lena Horne and played with one of the most influential American jazz musicians, composer and bandleader Duke Ellington.

18. Currently, both Ore and Dunlop suffer from grave health problems. Ore suffers from severe glaucoma, is legally blind, and currently collects financial assistance from The Actors Fund and other nonprofit organizations for performing arts professionals. Dunlop is wheelchair bound, has resided in a nursing home since 1985, and lacks the ability to communicate with others without extreme difficulty.

Thelonious S. Monk

19. Monk is considered one of the most important jazz pianists and composers of the last century. Although Monk would eventually experience great success as a jazz composer, the early years of his career were quite difficult. From 1947 to 1954, Monk recorded several under-recognized albums for Blue Note Records and Prestige Records. During that time, there was virtually no audience for his style of music; thus work was sporadic and Monk had to struggle to make ends meet.

20. From 1954 to 1957, Monk was signed to Riverside Records. Although by this time Monk was highly rated by his peers and critics as a great jazz composer, his records did not sell in significant numbers, and his music was considered inaccessible and difficult to market to a mass audience. In fact, Riverside Records was able to buy out Monk's prior recording contract with Prestige Records for a mere \$108.24. Monk's career slowly began to improve while he was signed to Riverside Records, but it was not until 1957, when Monk formed a quartet, that his career catapulted and propelled him into the international spotlight.

The Thelonious Monk Quartet

21. In June 1957, Monk began a landmark six-month residency at the Five Spot Café in New York City, leading a quartet -- The Thelonious Monk Quartet (hereinafter, the "Quartet") -- that initially included John Coltrane on tenor saxophone. Both Ore and Dunlop joined the Quartet in 1961.

22. Ore's collaboration with Monk actually began when Monk called Ore one day in 1957 and asked Ore to rehearse with him. After the rehearsal, Monk hired Ore on the spot. While Ore played briefly with Monk in a quintet and sextet (in 1957 and 1960 respectively), Ore's most significant and poignant collaboration with Monk was felt and noticed when he joined the Quartet in 1961.

23. Dunlop's collaboration with Monk also began in 1957, as a member of the original Quartet that included John Coltrane. Dunlop, however, quit the original Quartet after three weeks because he did not have a local union card at the time. In 1961, Dunlop rejoined the Quartet on a regular basis.

24. During the early 1960's, the Quartet included Monk (on piano), Ore (on bass), Dunlop (on drums) and the legendary Charlie Rouse (on tenor saxophone).

25. Both Ore and Dunlop played as members of the Quartet from 1961 to 1963. Their collaboration with Monk included multiple live performances in various cities across the United States, Europe and Japan.

26. The 1961 to 1963 Quartet was Monk's strongest assemblage to date, and was integral in bumping Monk to a level of popularity he had not previously enjoyed, as evidenced by his 1964 appearance on the cover of *Time* magazine.

27. Ore and Dunlop contributed substantially to Monk's eventual success, and their importance to Monk's career and the jazz world in general is evidenced by the sales of Monk's music to date. Of approximately 193 Monk albums offered for sale today, at least 45 of those albums contain performances by Ore and/or Dunlop. Sales of Monk's albums on which Ore and/or Dunlop perform constitute approximately 30.3% of Monk's total release-to-date sales and approximately 24.5% of Monk's 2007 year-to-date sales.

28. The musical relationship between Ore and Monk ended in 1963 when Monk, during their second European tour, failed to pay Ore an identical amount for his creative services as for the first European tour. Dunlop left the Quartet the same year.

Ore's and Dunlop's Joint Collaboration With Monk

29. Ore and Dunlop were not employees of Monk but were independent contractors who collaborated with Monk from 1961 to 1963.

30. Ore and Dunlop contributed significant and substantial parts to the live music they performed with Monk as members of the Quartet, including harmonies, rhythms, melodies and musical structure. For example, Ore often played lengthy bass solos during live performances and was encouraged to improvise upon the musical score. Dunlop also played his

own solos and was charged with keeping the rhythm around Monk's unorthodox approach to the piano.

31. Ore and Dunlop were known for bringing out many previously unnoted elements in Monk's best-known compositions. Both Ore and Dunlop proved to be excellent interpreters of Monk's music.

32. Ore is described as being "marvelously adept at transposing Mr. Monk's craggy piano pieces into jaunty bass solos . . ." and as "the bassist whose broad-shouldered tone bolstered some of Thelonious Monk's best performances." (*New York Times*, Aug. 19, 1981 and Sept. 8, 1989).

33. Dunlop is described as being "[o]ne of the best drummers Thelonious Monk ever had" (*The Buffalo Times*, July 29, 1994), and "a wonderful drummer [who] plays as if reading Monk's mind" (*The Globe and Mail*, March 1, 1984).

34. Given, among other things, this collaborative process between Monk, Ore and Dunlop, Ore and Dunlop are authors and therefore copyright owners of their performances of songs performed while with the Quartet.

Defendants' Unlawful Conduct

35. Sometime after Monk's death in 1982, Monk's son, defendant T.S. Monk, became executor of his father's estate. Included in the estate were recordings of live musical performances of the 1961 to 1963 Quartet, including recordings featuring live musical performances of Ore and Dunlop. These recordings were made when Monk surreptitiously set up microphones hooked up to reel-to-reel tape recorders and recorded certain live performances, without the knowledge or consent of the other Quartet members, including Ore and Dunlop.

36. During at least eleven different live shows from 1961 through 1963, Monk secretly recorded at least sixty-six song performances featuring live musical performances by Ore and/or Dunlop without their knowledge or consent. These sixty-six song performances were fixed as sound recordings prior to February 15, 1972. (These sixty-six sound recordings are hereinafter referred to as the “Unauthorized Sound Recordings.” Attached as Exhibit A is a list of the Unauthorized Sound Recordings.)

37. Included among the Unauthorized Sound Recordings is a live musical performance of an original musical composition titled “Hot Licks on Drums,” which was recorded in Paris in 1963 and which appears on the compact disc titled *Live in Stockholm Volume 2* as a “bonus track” (hereinafter, the “Bonus Track”). “Hot Licks on Drums” is an original musical composition created solely and exclusively by Frankie Dunlop. The Bonus Track contains a live musical performance of “Hot Licks on Drums” by Frankie Dunlop, John Ore and Charlie Rouse. The Bonus Track does not contain any musical compositions created by Monk or any musical performance by Monk. Robin Dunlop, as assignee of her father’s copyrights, owns all rights and title in and to the musical composition embodied in the Bonus Track. Robin Dunlop has registered the musical composition embodied in the Bonus Track with the United States Copyright Office (Reg. No. PAu 3-335-850).

38. Without the consent of plaintiffs, defendants have reproduced, communicated to the public, distributed, transmitted, publicly performed and sold the Unauthorized Sound Recordings, including the Bonus Track, to the public through Defendants’ Websites. In addition, defendants, in conjunction with Hyena Records, Inc., have authorized without plaintiffs’ consent, the distribution and sale through several websites, including Tower.com, Target.com, Barnesandnoble.com, Circuitcity.com, Amazon.com, Buy.com, Cduniverse.com and

Hyenarecords.com (the “Third-Party Websites”), a compact disc titled *Monk 'Round the World*, which features three of the Unauthorized Sound Recordings (“Rhythm-a-ning,” performed in Copenhagen in 1961, “Bemsha Swing,” performed in Stockholm in 1961, and “Epistrophy,” performed in Monterey in 1963). (Attached as Exhibit B are printouts from the Third-Party Websites showing the compact disc *Monk 'Round the World* available for sale as of November 26, 2007.)

39. Defendants are also streaming at least four of the Unauthorized Sound Recordings on Defendants’ Websites, including “Evidence” from *Thelonious Monk Quartet Live in New York Vol. 2*, “Jackie-ing” and “Monk’s Dream” from *Thelonious Monk in Stockholm Volume 1*, and “Hot Licks on Drums” from *Thelonious Monk in Stockholm Volume 2*. (Attached as Exhibit C are printouts from Defendants’ Websites showing the streaming recordings of “Evidence,” “Jackie-ing,” “Monk’s Dream,” and “Hot Licks on Drums” and the streaming and/or webcasts of various other recordings and performances as of November 26, 2007.)

40. Plaintiffs, through their respective attorneys, have demanded in writing on repeated occasions that defendants immediately cease and desist from transmitting, selling or otherwise distributing and performing the Unauthorized Sound Recordings. Despite defendants’ agreement in writing to comply with this request, as of November 26, 2007, defendants still offer, distribute and perform through Defendants’ Websites the compact disks *Thelonious Monk Quartet Live in New York Vol. 2*, *Thelonious Monk in Stockholm Volumes 1 and 2*, and *Thelonious Monk – Monk 'Round the World*, and downloadable versions of *Thelonious Monk Quartet Live in Bern*, *Thelonious Monk Quartet – “The First European Concert,”* *Thelonious Monk Quartet – Evidence*, *Thelonious Monk Quartet – “Live at Monterey Jazz Festival 1963 Vol. 1,”* *Thelonious Monk Quartet – “Live at Monterey Jazz Festival 1963 Vol. 2”* and *Thelonious Monk - Monk 'Round the*

World, in MP3 format, which all feature live musical performances by Ore and Dunlop. (Attached as Exhibit D are print-outs from Defendants' Websites showing the compact disks *Thelonious Monk Quartet Live in New York Vol. 2*, *Thelonious Monk in Stockholm Volumes 1 and 2*, and *Thelonious Monk – Monk 'Round the World*, and downloadable versions of *Thelonious Monk Quartet Live in Bern*, *Thelonious Monk Quartet – "The First European Concert," Thelonious Monk Quartet – Evidence*, *Thelonious Monk Quartet – "Live at Monterey Jazz Festival 1963 Vol. 1," Thelonious Monk Quartet – "Live at Monterey Jazz Festival 1963 Vol. 2,"* and *Thelonious Monk – Monk 'Round the World*, in MP3 format offered for sale as of November 26, 2007.)

41. Defendants had prior knowledge that they needed the consent of Ore and Dunlop prior to reproducing, distributing, transmitting, publicly performing and selling the Unauthorized Sound Recordings. Despite this, defendants did not obtain the proper consent.

42. Defendants have indicated that they have in their possession numerous unreleased recordings that feature additional live performances of Ore and Dunlop (other than the Unauthorized Sound Recordings), which defendants intend to release in the future.

COUNT I.

(VIOLATION OF THE ANTI-BOOTLEGGING ACT, 17 U.S.C. § 1101)

43. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 42 of this complaint as if fully set forth herein.

44. The Unauthorized Sound Recordings constitute unauthorized recordings featuring live musical performances of Ore and Dunlop.

45. Without the authorization or consent of plaintiffs, defendants intentionally and willfully have caused the Unauthorized Sound Recordings to be repeatedly reproduced,

communicated to the public, distributed, transmitted, publicly performed and sold to the public through Defendants' Websites and the Third-Party Websites, in violation of 17 U.S.C. § 1101.

46. By reason of defendants' willfully reproducing, communicating, distributing, transmitting, and publicly performing said Unauthorized Sound Recordings to the public without plaintiffs' consent, plaintiffs have suffered irreparable harm and sustained substantial injury, loss and damage, and will sustain further damage unless defendants are permanently enjoined.

COUNT II.

(DECLARATORY JUDGMENT PURSUANT TO 28 U.S.C. § 2201 AS TO DEFENDANTS' VIOLATIONS OF PLAINTIFFS' RIGHTS UNDER THE ANTI-BOOTLEGGING ACT)

47. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 46 of this complaint as if fully set forth herein.

48. Defendants Thelonious Records and T.S. Monk contest plaintiffs' claims that defendants' acts of reproducing, communicating to the public, distributing, transmitting, publicly performing and selling to the public without the prior consent of Ore and Dunlop, the Unauthorized Sound Recordings containing Ore's and Dunlop's live performances through Defendants' Websites and the Third-Party Websites violates plaintiffs' rights under the Anti-Bootlegging Statute, entitling plaintiffs to remedies and damages under the Copyright Act.

49. By reason of the foregoing, an actual controversy exists between the parties as to the parties' rights and obligations in and to the Unauthorized Sound Recordings.

50. Plaintiffs are entitled to a judicial declaration clarifying and declaring that defendants' acts of reproducing, communicating to the public, distributing, transmitting, publicly performing and selling to the public without the consent of Ore and Dunlop, the Unauthorized Sound Recordings through Defendants' Websites and the Third-Party Websites violates plaintiffs' rights under the Anti-Bootlegging Statute.

COUNT III.**(DECLARATORY JUDGMENT PURSUANT TO 28 U.S.C. § 2201 AS TO PLAINTIFFS' COPYRIGHT OWNERSHIP UNDER THE COMMON LAW OF NEW YORK)**

51. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 50 of this complaint as if fully set forth herein.

52. Defendants Thelonious Records and T.S. Monk contest plaintiffs' claims that Ore and Dunlop are authors and therefore copyright owners of their performances while with the Quartet, including those performances contained in the Unauthorized Sound Recordings fixed from 1961 to 1963, entitling plaintiffs to a full accounting of all gains, proceeds, income, profits, royalties, fees, licenses, advantages and any other compensation derived by defendants from the sale, transmission or any other medium of distributing the Unauthorized Sound Recordings, including the Bonus Track, pursuant to the common law of New York.

53. By reason of the foregoing, an actual controversy exists between the parties as to the ownership of the commercial, intellectual property and related interests to the Unauthorized Sound Recordings, and the parties' rights and obligations in and to the Unauthorized Sound Recordings.

54. Plaintiffs are entitled to a judicial declaration clarifying and declaring that Ore and Dunlop are authors and copyright owners of their performances contained in the Unauthorized Sound Recordings initially fixed prior to February 15, 1972, pursuant to the common law of New York, and defendants' failure to fully account to plaintiffs for all gains, proceeds, income, profits, royalties, fees, licenses, advantages and any other compensation derived by defendants from the sale, transmission or any other medium of distributing the Unauthorized Sound Recordings, including the Bonus Track violates plaintiffs' rights under the common law of New York.

COUNT IV.

(COPYRIGHT INFRINGEMENT IN VIOLATION OF 17 U.S.C. § 501)

55. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 54 of this complaint as if fully set forth herein.

56. Frankie Dunlop is the exclusive author of the original musical composition contained in the Bonus Track, which is registered with the United States Copyright Office. Robin Dunlop, as assignee of Frankie Dunlop's copyrights, owns all right and title in and to that musical composition.

57. Without the prior authorization or consent of Frankie Dunlop or Robin Dunlop, defendants have intentionally and willfully caused the Bonus Track to be repeatedly reproduced, communicated to the public, distributed, transmitted, publicly performed and sold to the public through Defendants' Websites.

58. By reason of defendants' willfully reproducing, communicating, distributing, transmitting, and publicly performing the Bonus Track to the public without the consent of Frankie Dunlop or Robin Dunlop, plaintiffs have suffered irreparable harm and sustained injury, loss and damage, and will sustain further damage unless defendants are permanently enjoined.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all issues so triable.

RELIEF REQUESTED

WHEREFORE, plaintiffs respectfully request that the Court enter judgment granting them the following relief:

1. a declaration that defendants' acts of reproducing, communicating to the public, distributing, transmitting, publicly performing and selling to the public without the consent

of Ore and Dunlop, the Unauthorized Sound Recordings through Defendants' Websites and the Third-Party Websites violates plaintiffs' rights under the Anti-Bootlegging Statute;

2. a declaration that Ore and Dunlop are authors and copyright owners of the musical performances contained in the Unauthorized Sound Recordings fixed prior to February 15, 1972, and defendants' failure to fully account to plaintiffs for all gains, proceeds, income, profits, royalties, fees, licenses, advantages and any other compensation derived by defendants from the sale, transmission or any other medium of distributing the Unauthorized Sound Recordings, including the Bonus Track, violates plaintiffs' rights under the common law of New York;

3. that defendants, their agents, employees, servants, officers, directors, shareholders, subsidiaries, related companies, affiliates, privies, successors, assigns, distributors, licensees, dealers, suppliers, retailers, and all persons acting in concert, participation or combination with them, be permanently enjoined from reproducing, communicating, distributing, transmitting, publicly performing or selling the Unauthorized Sound Recordings, including the Bonus Track, and any other material solely or jointly-authored by Ore or Dunlop, or that infringes on plaintiffs' rights, that the defendants have in their possession, in any manner, pursuant to Section 502 of the Copyright Act;

4. that defendants be required to fully account to plaintiffs for all gains, proceeds, income, profits, royalties, fees, licenses, advantages and any other compensation derived by defendants from the sale, transmission or any other medium of distributing the Unauthorized Sound Recordings, including the Bonus Track, and any other material solely or jointly-authored and owned by Ore or Dunlop or that infringes on plaintiffs' rights, that the defendants have in their possession, in any manner;

5. that defendants be required to pay plaintiffs their actual damages and defendants' profits or statutory damages pursuant to Section 504 of the Copyright Act, in a sum to be determined at trial, for defendants' unauthorized distribution of the Unauthorized Sound Recordings, in violation of the Anti-Bootlegging Act, 17 U.S.C. § 1101, or in the alternative, plaintiffs' proportionate share, as common law copyright owners of the performances contained in the Unauthorized Sound Recordings, of all gains, profits and advantages derived by defendants from the sale, transmission or any other medium of distributing the Unauthorized Sound Recordings, and any other material solely or jointly-authored and owned by plaintiffs which defendants have exploited, pursuant to the common law of New York;


6. that defendants be required to pay plaintiff Robin Dunlop her actual damages and defendants' profits or statutory damages pursuant to Section 504 of the Copyright Act, in a sum to be determined at trial, for defendants' unauthorized distribution of the Bonus Track, in violation of Section 501 of the Copyright Act;

7. that plaintiffs be awarded reasonable attorneys' fees and the costs and disbursements of this action, pursuant to Section 505 of the Copyright Act; and

8. that plaintiffs be awarded punitive damages and have such other and further relief as the Court deems just and equitable.

Dated: New York, New York
November 28, 2007

HUGHES HUBBARD & REED LLP

By: 

Michael E. Salzman (MS 6485)

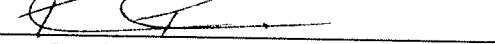
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Attorney for Plaintiffs Francis M. Dunlop
and Robin E. Dunlop

Exhibit A

UNAUTHORIZED SOUND RECORDINGS

	LIVE PERFORMANCE (Year Performed and Recorded)	WORK	PERFORMERS
I.	<i>Thelonious Monk Quartet Live in Bern (1961)</i>	1. I'm Getting Sentimental Over You	John Ore Frankie Dunlop
		2. Jacki-ing	John Ore Frankie Dunlop
		3. Crepuscule with Nellie	John Ore Frankie Dunlop
		4. 'Round Midnight	John Ore Frankie Dunlop
		5. Blue Monk	John Ore Frankie Dunlop
		6. Bright Mississippi (as Sweet Georgia Brown)	John Ore Frankie Dunlop
		7. Rhythm-a-ning	John Ore Frankie Dunlop
II.	<i>Thelonious Monk Quartet – "The First European Concert" (1961)</i>	8. Jackie-ing	John Ore Frankie Dunlop
		9. Crepuscule with Nellie	John Ore Frankie Dunlop
		10. Off Minor	John Ore Frankie Dunlop
		11. Straight No Chaser	John Ore Frankie Dunlop
		12. Evidence	John Ore Frankie Dunlop
		13. Bemsha Swing	John Ore Frankie Dunlop
		14. Well You Needn't	John Ore Frankie Dunlop
		15. 'Round Midnight	John Ore Frankie Dunlop

	LIVE PERFORMANCE (Year Performed and Recorded)	WORK	PERFORMERS
III.	<i>Thelonious Monk in Stockholm Volume 1 (1961)</i>	16. Jackie-ing	John Ore Frankie Dunlop
		17. I'm Getting Sentimental Over You	John Ore Frankie Dunlop
		18. Crepuscule with Nelli	John Ore Frankie Dunlop
		19. Ba-Lu Bolivar Ba-Lues Are	John Ore Frankie Dunlop
		20. Rhythm-a-ning	John Ore Frankie Dunlop
		21. Epistrophy	John Ore Frankie Dunlop
		22. Just a Gigolo	John Ore Frankie Dunlop
		23. Monk's Dream	John Ore Frankie Dunlop
IV.	<i>Thelonious Monk in Stockholm Volume 2 (1961)</i>	24. Well You Needn't	John Ore Frankie Dunlop
		25. Round Midnight	John Ore Frankie Dunlop
		26. Bemsha Swing	John Ore Frankie Dunlop
		27. Blue Monk	John Ore Frankie Dunlop
		28. Epistrophy	John Ore Frankie Dunlop
		29. Body and Soul	John Ore Frankie Dunlop
	(appearing as a "bonus track" from a live concert in Paris in 1963)	30. Hot Licks on Drums	John Ore Frankie Dunlop

	LIVE PERFORMANCE (Year Performed and Recorded)	WORK	PERFORMERS
V.	<i>Monk in Copenhagen – The Thelonious Monk Quartet (1961)</i>	31. Jackie-ing	John Ore Frankie Dunlop
		32. Crepuscule with Nellie	John Ore Frankie Dunlop
		33. I Mean You	John Ore Frankie Dunlop
		34. Rhythm-a-ning	John Ore Frankie Dunlop
		35. Epistrophy	John Ore Frankie Dunlop
		36. Body and Soul	John Ore Frankie Dunlop
		37. Well you Needn't	John Ore Frankie Dunlop
		38. 'Round Midnight	John Ore Frankie Dunlop
		39. Off Minor	John Ore Frankie Dunlop
		40. Ba-lue Bolivar Bal-lues - are	John Ore Frankie Dunlop
VI.	<i>Thelonious Monk - Live at the Village Gate (1962)</i>	41. I Mean You	John Ore Frankie Dunlop
		42. Rhythm-a-ning	John Ore Frankie Dunlop
		43. Body and Soul	John Ore Frankie Dunlop
		44. Evidence	John Ore Frankie Dunlop
		45. I'm Getting Sentimental Over You	John Ore Frankie Dunlop
		46. Body and Soul	John Ore Frankie Dunlop
		47. Jackie-ing	John Ore Frankie Dunlop

	LIVE PERFORMANCE (Year Performed and Recorded)	WORK	PERFORMERS
VII.	<i>Thelonious Monk Quartet Live in New York Vol. 2 (1963)</i>	48. Blue Monk	Frankie Dunlop
		49. Light Blue	Frankie Dunlop
		50. Rhythm-a-ning	Frankie Dunlop
		51. Epistrophy	Frankie Dunlop
		52. I'm Getting Sentimental Over You	Frankie Dunlop
		53. Straight No Chaser	Frankie Dunlop
		54. Evidence	Frankie Dunlop
		55. Epistrophy	Frankie Dunlop
VIII.	<i>Thelonious Monk Quartet – “Live at Monterey Jazz Festival 1963 Vol. 1” (1963)</i>	56. I'm Getting Sentimental Over You	John Ore Frankie Dunlop
		57. Well You Needn't	John Ore Frankie Dunlop
		58. Evidence	John Ore Frankie Dunlop
		59. I Mean You Playing Time	John Ore Frankie Dunlop
IX.	<i>Thelonious Monk Quartet – “Live at Monterey Jazz Festival 1963 Vol. 2” (1963)</i>	60. Light Blue	John Ore Frankie Dunlop
		61. Criss Cross	John Ore Frankie Dunlop
		62. Epistrophy	John Ore Frankie Dunlop

	LIVE PERFORMANCE (Year Performed and Recorded)	WORK	PERFORMERS
		63. Sweet and Lovely	John Ore Frankie Dunlop
		64. Bright Mississippi	John Ore Frankie Dunlop
X.	<i>Thelonious Monk Quartet – Evidence</i> (Recordings listed from 1963 in Paris)	65. Evidence	John Ore Frankie Dunlop
		66. Jackie-ing	John Ore Frankie Dunlop

Exhibit B



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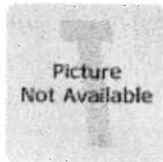
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Track Listing

DISC 1

- 1 Epistrophy - (with Charlie Rouse)
- 2 Blue Monk - (with Charlie Rouse)
- 3 Ruby, My Dear - (with Charlie Rouse)
- 4 Rhythm-A-Ning - (with Charlie Rouse)
- 5 Bemsha Swing - (with Charlie Rouse)
- 6 Hackensack - (with Charlie Rouse)
- 7 Epistrophy (Closing Theme) - (with Charlie Rouse)

Title Note

JazzTimes (p.118) - Rouse is a delight here, mixing lots of things you don't usua

This release includes a bonus DVD featuring live performances of "Criss Cross," England in 1965. Personnel include: Thelonious Monk (piano); Charlie Rouse (tenor guitar); Ben Riley, Frankie Dunlop (drums). Liner Note Author: Kareem Abdul-Jabbar. A plethora of live recordings made of Thelonious Monk in the 1960s (when every one of his years after he began composing and playing), this compilation provides a valuable look at his performances. Between 1961 and 1965 Monk toured regularly with a quartet that included a bassist and drummer, and was particularly well received (and documented) in Europe. Tracks from those years. The tunes are among Monk's best, and have rightfully become a part of the knowledge of classic jazz. The sprightly, angular sections of "Epistrophy," the steady "Ruby, My Dear," and the witty, spastic "Rhythm-A-Ning" are included here in excellent recordings. Monk and Rouse the constants) display stellar rapport, exploring the quirks and idiosyncrasies of Monk and bonus DVD of in-concert footage, making this a definitive document/package of his work.

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- 2 [Blue Monk](#) 10:16
- 3 [Ruby My Dear](#) 8:45
- 4 [Rhythm a Ning](#) 9:07
- 5 [Bemsha Swing](#) 9:13
- 6 [Hackensack](#) 11:08
- 7 [Epistrophe \(Closing Theme\)](#) 1:09

Disc 2

- 1 [Rhythm a Ning](#)
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Editorial Reviews

This valuable compilation includes excerpts from five separate live performances recorded between 1961 and 1964, featuring Thelonious Monk and his longtime tenor saxophonist, Charlie Rouse, with three different rhythm sections. No matter which quartet is playing, the cohesiveness of the band is readily apparent as they dig into the possibilities within each the pianist's compositions, most of which have since become jazz standards over the decades. Monk is at his most playful in the sprightly "Rhythm-a-Ning" (based upon the chord changes to "I Got Rhythm"), which fuels Rouse's imagination during his solo. Monk's roots in stride piano occasionally slip into focus as well. It's impossible not to smile during Monk's humorous solo with "Hackensack" (based upon the Gershwin's "Oh, Lady Be Good!"), though the exchanges between Larry Gales and Ben Riley are also delightful. The second disc is a bonus consisting of three selections from a 1965 set at the Marquee Club in London. The video source material, in black and white, is remarkably well preserved, while it is also a rare opportunity to truly appreciate how focused his quartet with Rouse, Gales, and Riley actually was. The final image is of Monk turning slightly toward the audience and smiling, a great way to close a delightful new addition to the

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6	Hackensack - 11:08	
7	Epistrophy (Closing Theme) - 1:09	

Disc 2

1	Rhythm a Ning
2	Nutty
3	Criss Cross

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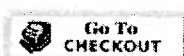
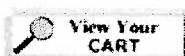
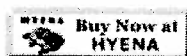


Thelonious Monk "Monk 'Round The World"

Format: Jazz

TMF 9323

Including FREE Bonus DVD & Liner Notes by Kareem Abdul-Jabbar



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Tracks:

1. Epistrophy (listen)
2. Blue Monk
3. Ruby My Dear (listen)
4. Rhythm A Ning
5. Hackensack
6. Bemsah Swing
7. Epistrophy (Reprise)

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Bonus DVD:

1. Criss Croos
2. Rhythm A Ning
3. Nutty

Thelonious Monk was among the true giants of jazz. His idiosyncratic piano style, sublime compositions, thrilling "live" performances and eccentric personality secured him a place in the pantheon of American music legends. Now with the advent of **Thelonious Records** (founded by his son, T.S. Monk), a treasure chest of never before heard concert recordings from the Thelonious Monk archive will be released for the world to hear for the first time ever. **Monk 'Round The World** is the second installment from the series, and documents seven performances from five cities recorded around the world throughout the 1960s. On each cut, Monk is side by side with his proverbial Tanto -- Charlie Rouse. Classics such as "**Blue Monk**," "**Ruby My Dear**" and "**Bemsha Swing**" are treated brilliantly in rousing renditions that surely rank among the greatest Monk concert recordings ever made available. A special FREE bonus DVD is also included, featuring a "live" performance from London in 1965.



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Exhibit C


Thelonious Records is pleased to announce the following Thelonious Monk recordings and new releases - Digitally mastered by Rudy Van Gelder



Thelonious Monk Quartet Live in New York Vol. 1*

1. Solo Piano medley4:57  (intro by Pannonica)
2. Blue Monk.....9:52.....Featuring
3. Rhythm-a-ning.....6:46.....Charlie Rouse-Tenor Sax
4. Epistrophy.....4:53.....Ahmed Abdul Malik-Bass
5. Light Blue.....4:54  Roy Haynes-Drums
6. Off Minor.....8:39.....at the Five Spot 1958
7. Friday the Thirteenth.....7:36.....24 bit mastering..
8. Epistrophy

Thelonious Monk Quartet Live in New York Vol. 2*

1. Blue Monk.....9:32
2. Light Blue.....7:16.....Featuring
3. Rhythm-a-ning.....8:41.....Charlie Rouse-Sax
4. Epistrophy.....5:39.....Frankie Dunlop-Drums
5. I'm Getting Sentimental Over You 5:30...Butch Warren-Bass
6. Straight No Chaser.....7:57.....at Birdland 1963
7. Evidence.....9:07  24 bit mastering

8. Epistrophy3:49 . . .



***These are previously unknown, never before released or bootlegged recordings. They feature Charlie Rouse's earliest known recordings as a member of the Monk Quartet.**

Note: These recordings were made with a portable reel-to-reel tape recorder, utilizing a single microphone. There is background noise and table chatter.

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TS Monk Band "Higher Ground"*

1. Haristocracy7:14  . . . TS Monk-Drums
2. Crowdaddy4:56  . . . Willie Williams-Tenor Sax
3. Ladera Heights8:02  . . . Bobby Porcelli-Alto Sax
4. Mosaic5:36  . . . Ray Gallon-Keyboards
5. Millennium Dance . 7:37  . . . Victor Y. See Yuen-Percussion
6. Missing Linc7:31 . . . Dave Jackson-Bass
7. Girl Watcher 6:36 . . . Winston Byrd-Trumpet
8. Philly Twist 3:34
9. Cubano Chant 5:14


***This recording mastered at Foothill Digital Studios**

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Thelonious Monk "Transforms" I'm getting Sentimental Over You *

Disk 1 Solo Piano

1. Transposition Part 1.....4:55 
2. Transposition Part 2.....4:28
3. Practice Part 1.....5:55
4. Practice 2, Transform Part 1...16:17.....24 bit mastering.....(Currently Available)
5. Transform Part 2.....28:45

Disk 2 Solo Piano and Concert Performance


1. Transformation Part 318:29
2. Performance 1.....7:33.....Paris 3-9-63 
3. Performance 2.....11:59.....Paris 1964
4. Performance 3.....8:16.....Stockholm 5-16-61


*These recordings are an unprecedented find where you get to witness the master construct his style on the standard "I'm Getting Sentimental Over You".

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Thelonious Monk in Stockholm Volume 1 May 16, 1961

1. Jackie-ing 9:40  Rouse, Sax
2. I'm Getting Sentimental Over You 8:15 Ore, Bass
3. Crepuscule with Nellie 2:45 Dunlop, Drums
4. Ba-Lue Bolivar Ba-Lues-Are 8:40
5. Rhythm-a-ning 9:50
6. Epistrophy 1:10
7. Just a Gigolo 2:20

8. Monk's Dream (Bonus Track)* .8:00 

Thelonious Monk in Stockholm Volume 2 May 16, 1961

- 1. Well You Needn't 8:53 Charlie Rouse
- 2. Round Midnight 7:00 John Ore
- 3. Bemsha Swing 9:10 Frankie Dunlop
- 4. Blue Monk 9:30
- 5. Epistrophy 6:30
- 6. Body and Soul 3:20

7. Hot Licks on Drums 5:03  (Bonus Track)*

* Bonus tracks are previously unreleased recordings (24 bit mastering) Paris 3-9-63.
 Monk introduces Frankie Dunlops Hot Licks

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Thelonious Monk Live in Paris Volume 1 February 24,1964

- 1. Four in One 11:08 Featuring
- 2. I'm Getting Sentimental Over You 12:02 Charlie Rouse, Sax
- 3. Straight No Chaser 8:37 Butch Warren, Bass
- 4. Well You Needn't 11:56 Ben Riley, Drums
- 5. Epistrophy 5:08

Thelonious Monk Live in Paris Volume 2 February 24,1964

- | | | |
|------------------------------|--------------|----------------------|
| 1. Blue Monk | 10:55 | Featuring |
| 2. Sweet and Lovely | 17:03 | Charlie Rouse |
| 3. Hackensack | 8:29 | Butch Warren |
| 4. Rhythm-a-ning | 10:07 | Ben Riley |
| 5. Bright Mississippi | 7:24 | |
| 6. Epistrophy | 5:10 | |

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Thelonious Monk Live in Paris Vol. 3 November 3, 1967

- | | | |
|-------------------------------|--------------|----------------------------------|
| 1. Artist introduction | 2:00 | Phil Woods, Alto Sax |
| 2. Ruby My Dear | 7:40 | Johnny Griffin, Tenor Sax |
| 3. We See | 13:59 | Clark Terry, Trumpet |
| 4. Epistrophy | 9:45 | Ray Copeland, Trumpet |
| 5. Oska-T | 15:19 | Charlie Rouse, Tenor Sax |
| 6. Evidence | 14:24 | Ben Riley, Drums |
| 7. Blue Monk | 5:10 | Jimmy Cleveland, Trombone |
| 8. Epistrophy | 1:20 | Larry Gales, Bass |

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Thelonious Monk Live in Paris Vol. 4 February 22, 1964

- | | | |
|-------------------------|--------------|------------------|
| 1. Stuffy Turkey | 11:55 | Featuring |
|-------------------------|--------------|------------------|

- | | | |
|-------------------------|--------------|---------------------------------|
| 2. Brake's Sake | 10:15 | Charlie Rouse, Tenor Sax |
| 3. Blue Monk | 9:55 | Butch Warren, Bass |
| 4. Ruby My Dear | 9:02 | Ben Riley, Drums |
| 5. Rhythm-a-ning | 9:05 | |
| 6. Epistrophy | :52 | |

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Exhibit D



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Thelonious Monk Live in New York Vol. 1&2



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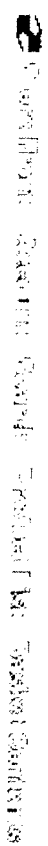
Thelonious Monk Quartet Live in New York Vol. 1* 1.Solo Piano medley-4:57 (intro by Pannonica); 2.Blue Monk-9:52 ; 3.Rhythm-a-ning- 6:46 ; 4.Epistrophy-4:53 ; 5.Light Blue-4:54 ; 6.Off Minor- 8:39 ; 7.Friday the Thirteenth-7:36 ; 8.Epistrophy-(theme) ; Featuring Charlie Rouse-Tenor Sax, Roy Haynes-Drums, Ahmed Abdul Malik-Bass ; at the Five Spot 1958 ; 24 bit mastering by Rudy Van Gelder

Thelonious Monk Quartet Live in New York Vol. 2* 1. Blue Monk- 9:32 ; 2. Light Blue-7:16 ; 3. Rhythm-a-ning-8:41 ; 4. Epistrophy-

5:39 ; 5. I'm Getting Sentimental Over You-5:30 ; 6. Straight No Chaser-7:57 ; 7. Evidence-9:07 ; 8. Epistrophy-3:49 ; Featuring Charlie Rouse-Sax, Frankie Dunlop-Drums, Butch Warren-Bass ; at Birdland 1963 ; 24 bit mastering by Rudy Van Gelder

***These are previously unknown, never before released or bootlegged recordings, that feature Charlie Rouse's earliest known recordings as a member of the Monk Quartet.**

Note: These recordings were made with a portable reel-to-reel tape recorder, utilizing a single microphone. There is background noise and table chatter.



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Thelonious Monk in Stockholm Volume 1-May 16, 1961 1. Jackie-ing-9:40 ; 2. I'm Getting Sentimental Over You-8:15 ; 3. Crepuscule with Nellie-2:45 ; 4. Ba-Lu Bolivar Ba-Lues-Are-8:40 ; 5. Rhythm-a-ning-9:50 ; 6. Epistrophy-1:10 ; 7. Just a Gigolo-2:20 ; 8. Monk's Dream-8:00 Bonus Track* ; Featuring Charlie Rouse-Tenor Sax, John Ore-Bass, Frankie Dunlop-Drums

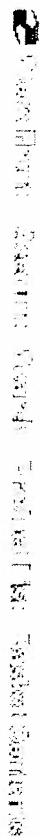
Thelonious Monk in Stockholm Volume 2-May 16, 1961 1. Well You Needn't-8:53 ; 2. Round Midnight-7:00 ; 3. Bemsha Swing-9:10 ; 4. Blue Monk-9:30 ; 5. Epistrophy-6:30 ; 6. Body and Soul-3:20 ; 7. Hot Licks on Drums-5:03 (Bonus Track)* Featuring Charlie Rouse-Tenor Sax, John Ore-Bass, Frankie Dunlop-Drums

* Bonus tracks are previously unreleased recordings (24 bit

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Page 2 of 2

**mastering by Rudy Van Gelder) Paris 3-9-63. Monk introduces
Frankie Dunlops "Hot Licks."**



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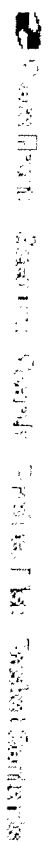
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61 5. Hackensack 11:08 Europe 1964 6. Bemsha Swing 9:13
Stockholm 5-16-61 7. Epistrophy (Theme) 1:09 Paris 2-22-64 Track
1,4 & 5 Thelonious Monk - piano. Charlie Rouse - tenor. John Ore -
Bass. Frankie Dunlop - Drums. Tracks 2,3 & 7 Thelonious Monk -
piano. Charlie Rouse - tenor. Butch Warren - Bass. Ben Riley -
Drums Track 6 Thelonious Monk - piano. Charlie Rouse - tenor.
Larry Gales - bass. Ben Riley - drums.

*INCLUDES BONUS DVD "MONK IN LONDON 1. RHYTHM A NING
2. NUTTY 3. CRISS CROSS



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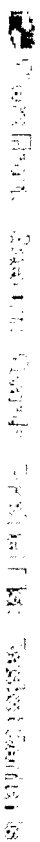
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Thelonious Monk Quartet Live in Bern May 10, 1961* ; 1. I'm Getting Sentimental Over You 9:42; Jackie-ing 7:04; Crepuscule With Nellie 3:06; 'Round Midnight 7:52; Blue Monk 9:17; Bright Mississippi (as Sweet Georgia Brown) 9:43; Rhythm-a-ning 6:52; ; Thelonious Monk - piano. Charlie Rouse - tenor. John Ore - bass. Frankie Dunlop - drums.

*This is an MP3 album that is zipped up as a zip file. You will need to unzip it with a zip utility like winzip. A free download of winzip is available at <http://www.winzip.com/download.htm>. A dsl or cable

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Thelonious Monk Quartet - "The First European Concert" * ; 1.
Jackie-ing; Crepuscule With Nellie; Off Minor; Straight No
Chaser; Evidence; Bemsha Swing; Well You Needn't; 'Round
Midnight; I Mean You; (April 15, 1961 - Amsterdam) ; Thelonious
Monk - piano. Charlie Rouse - tenor. John Ore - bass. Frankie
Dunlop - drums.

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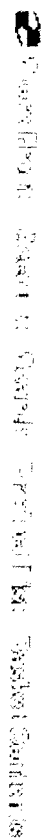
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Thelonious Monk Quartet-Evidence *; 1. Evidence (7'13); Jackie-ing (10'09); (March 9, 1963 - Paris) Thelonious Monk - piano. Charlie Rouse - tenor. John Ore - bass. Frankie Dunlop - drums. Rhythm-a-ning (10'06); Ruby My Dear (8'44); Bright Mississippi (7'30); Stuff (12'15); Blue Monk (10'05); (February 22 and 23, 1964 - Paris) Thelonious Monk - piano. Charlie Rouse - tenor. Butch Warren - bass. Ben Riley - drums. 'Round Midnight; (March 18, 1966 - Paris) Thelonious Monk - piano. Charlie Rouse - tenor. Larry Gales - bass. Ben Riley - drums.

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Thelonious Monk Quartet - "Live At Monterey Jazz Festival 1963 Vol 1" * ; 1. 1. I'm Getting Sentimental Over You 2. Well You Needn't 3. Evidence 4. I Mean You Playing Time: 50:43 Thelonious Monk - piano. Charlie Rouse - tenor. John Ore - bass. Frankie Dunlop - drums. Recorded live at the Monterey Jazz Festival, Monterey, California on September 21 & 22, 1963.

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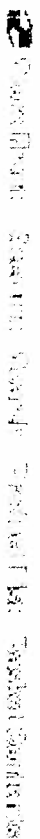
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Thelonious Monk Quartet - "Live At Monterey Jazz Festival 1963 Vol 2" * ; 1. 1. Light Blue 2. Criss Cross 3. Epistrophe 4. Sweet And Lovely 5. Bright Mississippi .Thelonious Monk - piano.
Charlie Rouse - tenor. John Ore - bass. Frankie Dunlop - drums.
Recorded live at the Monterey Jazz Festival, Monterey, California on September 21 & 22, 1963.

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61 5. Hackensack 11:08 Europe 1964 6. Bemsha Swing 9:13
Stockholm 5-16-61 7. Epistrophy (Theme) 1:09 Paris 2-22-64 Track
1,4 & 5 Thelonious Monk - piano. Charlie Rouse - tenor. John Ore -
Bass. Frankie Dunlop - Drums. Tracks 2,3 & 7 Thelonious Monk -
piano. Charlie Rouse - tenor. Butch Warren - Bass. Ben Riley -
Drums Track 6 Thelonious Monk - piano. Charlie Rouse - tenor.
Larry Gales - bass. Ben Riley - drums.

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